

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19716 of 2023

Arising Out of PS. Case No.-189 Year-2018 Thana- NARHATT District- Nawada

1. Munshi Prasad S/O Late Agnu Mahto R/O Village- Dhangaon, P.S- Narhat (Sitamarhi), District- Nawada
2. Bipin Kumar S/O Munshi Prasad R/O Village- Dhangaon, P.S- Narhat (Sitamarhi), District- Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. Adv. Mr. Lakshmi Kant Sharma, Adv. Mr. Bipin Kumar, Adv.
For the Opposite Party/s :		Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-06-2023 Heard Mr. Rama Kant Sharma, learned senior counsel, duly assisted by Mr. Lakshmi Kant Sharma, learned counsel appearing on behalf of the petitioners and Mr. Uma Shankar Prasad Singh, learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Narhat (Sitamarhi) P.S. Case No. 189 of 2018, registered for the offences punishable under Sections 302/201/325/120(B)/34 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that on 26.07.2018 the husband of the informant received a unanimous call where the unknown



persons informed him that a joining letter of his brother has been issued and he was asked to collect the same. It is further alleged that the informant saw that the petitioner no. 1 was standing along with three unknown persons at her *darwaja* while the husband of the informant went to meet the unknown persons. It is further alleged that thereafter the husband of the informant went missing and on the next day his body was found lying in *badhar* and suspicion has been raised with regard to complicity of the petitioners in killing the husband of the informant with the help of three unknown persons.

Learned senior counsel appearing on behalf of the petitioners submits that from the FIR it is evident that there is no eye witness to the alleged occurrence and save and except the suspicion, there is no material suggesting the involvement of the petitioners. He further submits that the police after investigation has not found any complicity of the petitioners and, thus, they have not been sent up for trial and the final form submitted by the Investigating Officer has duly accepted by the court below *vide* order dated 01.11.2021, the copy of which has been brought on record by way of Annexure-4. It is next submitted that in the meantime since a protest petition was filed on behalf of the informant, the same has been registered as a complaint



case and thereafter the statement of the complainant and other witnesses have been recorded and finally cognizance has been taken *vide* order dated 31.08.2022. He next submitted that in fact the deceased died on account of poisoning and there was no mark of any injury over his body. He lastly submitted that the petitioners have absolutely fair antecedent and they undertake that they will fully cooperate in the trial and will not indulge in intimidating the witnesses or tampering with the evidences.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the learned court below after having found the case true has taken cognizance for the offences as alleged in the protest petition, the involvement of the petitioners cannot be denied.

Regard being had to the submissions made on behalf of the parties and considering the fact that during the course of investigation, the complicity of the petitioners has not been found resulted into submission of final form showing the petitioners as innocent which was accepted by the learned court below, coupled with the fair antecedent and the undertaking given by the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Nawada in connection with Narhat (Sitamarhi) P.S. Case No. 189 of 2018, subject to the conditions laid down in Section 438(2) Cr.P.C.

(Harish Kumar, J)

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